

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ELIZABETH ADAM AND REBECCA
FOLEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE TJX COMPANIES INC.,

Defendant.

Case No.: 1:17-cv-11260-MLW

PARTIES' STIPULATION OF DISMISSAL

Plaintiffs Elizabeth Adam and Rebecca Foley ("Plaintiffs") and Defendant The TJX Companies, Inc. ("TJX" and, together with Plaintiffs, the "Parties"), pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, do hereby submit a stipulation of dismissal by all parties who remain in this action at the time of this filing.

The initial *Complaint* in this action was filed by Plaintiffs on July 10, 2017 against TJX, AQ Textiles LLC ("AQ"), and Creative Textile Mills Pvt. Ltd. ("Creative"). (Dkt. No. 1.) Motions to dismiss the *Complaint* were filed by AQ (Dkt. No. 26) and TJX (Dkt. No. 28). Before the Court adjudicated those motions, Plaintiffs filed an *Amended Complaint* on October 20, 2017 (Dkt. No. 34), as to which motions to dismiss were again filed by TJX for lack of subject matter jurisdiction and failure to state a claim with a request for judicial notice (Dkt. No. 37-40), and by AQ and Creative for lack of subject matter and personal jurisdiction, and failure to state a claim (Dkt. Nos. 35-36 and 80-81, respectively). At the hearing on those motions on April 15, 2020, the Court dismissed AQ and Creative for lack of personal jurisdiction. (*See* Dkt. No. 144.) On May 15, 2020, Plaintiffs filed a *Second Amended Complaint* against TJX only. (Dkt. No. 149.) TJX moved to dismiss the *Second Amended Complaint*, requesting judicial notice of certain documents, on June 15, 2020. (Dkt. Nos. 150-151.)

On January 15, 2021, the Court heard oral argument on the pending *Motion to Dismiss the Second Amended Complaint* filed by TJX, at which time the Court took the motion under advisement. (See Dkt. No. 158.) The Court issued an *Order* on January 19, 2021 requiring, *inter alia*, that the Parties confer and report back to the Court by January 25, 2021 regarding whether they have agreed to settle this case. (*Id.*) In satisfaction of that *Order*, the Parties conferred regarding potential settlement of this action on January 21 and 22, 2021 and intend that this Stipulation of Dismissal satisfy the Court's January 19, 2021 *Order*.

Plaintiffs have agreed to voluntarily dismiss all claims they assert in the above-captioned action against TJX with prejudice. Since no motion to certify a class has been filed in this action, the Plaintiffs dismiss their claims against TJX solely in their individual capacities. This dismissal expressly does not extend to any claims and allegations asserted at any time by Plaintiffs against AQ and/or Creative in this action, which have previously been dismissed by the Court for lack of personal jurisdiction. In addition, this dismissal expressly does not extend to Plaintiffs' claims and allegations in the action filed by Plaintiffs against AQ and Creative in the United States District Court for the Middle District of North Carolina on June 11, 2020 (Case No. 1:20-cv-00520-LCB-JLW).

Accordingly, based on the foregoing conditions, the Parties stipulate to the voluntary dismissal of Plaintiffs' remaining claims against TJX in the above-captioned action in their entirety and with prejudice. The Parties will bear their own respective costs and attorneys' fees.

Dated: January 25, 2021

Respectfully submitted,

/s/ Erica Mirabella

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PROOF OF SERVICE

I, Erica Mirabella, hereby certify that this foregoing document has been electronically filed via the Court's CM/ECF system and is available for viewing and downloading from the Electronic Case Filing ("ECF") System. Notice has been sent through the ECF System to all counsel of record.

Dated: January 25, 2021

Respectfully submitted,

/s/ Erica Mirabella

Erica Mirabella

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